

**ENTERED**

August 16, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOSE PORTILLO,

*Plaintiff,*

V.

FIESTA MART, LLC,

*Defendant.*

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CIVIL ACTION NO. 4:22cv1819


**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated July 31, 2024 (Dkt. 42) and the objections thereto (Dkt. 43), the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is therefore **ORDERED** that the Magistrate Judge's Memorandum and Recommendation is hereby **ADOPTED** by this court. Defendant Fiesta Mart, LLC's Motion for Summary Judgment (Dkt. 20) is **DENIED**.

Docket Call **REMAINS** set for September 13, 2024 (Dkt. 38); the Joint Pretrial Order is due by September 6, 2024.

**SIGNED** at Houston, Texas this 16th day of August, 2024.



SIM LAKE

SENIOR UNITED STATES DISTRICT JUDGE